

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

77-1036

B
P/S

)
)
)
)
)
)
)
)
)

4 APPENDIX

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR SOUTHERN DISTRICT OF NEW YORK
D.C. NUMBER - 73 CR 672 - FREDERICK van PELT BRYAN,
U.S.D.J.

UNITED STATES COURT OF APPEALS
FILED
MAY 28 1977
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

For the Appellant:
Vincent Rizzo, Appellant
In Propria Personia
United States Penitentiary
Box 1000 - Reg.#77336
Lewisburg, Pennsylvania 17837

TABLE OF CONTENTS

	Pages:
Table of Cases Cited.....	ii
Rules and Statutes Involved.....	2,3.
Preliminary Statement.....	3,4.
Statement of the Facts.....	4,5,6.
Issue Presented.....	7.
Argument.....	8,9,10,11,12,13,& 14.
Conclusion.....	14.
Certificate of Service.....	15.

TABLE OF AUTHORITIES CITED

Cases:	Pages:
McCarthy v. United States (1969), 394 U.S. 459, 466, 22 L.Ed. 2d 418, 425 89 S.Ct. 1166.....	8,9,10,11,13,
McMann v. Richardson, 397 U.S. 759 (1970).....	9
Kercheval v. United States, 227 U.S. 220 (1927).....	9
United States v. Bradin, 535 F.2d 1041 (8th Cir, 1976).....	9
United States v. Cody, 438 F.2d 287 (8th Cir.)	10
Kloner v. United States, 535 F.2d 730 (2nd Cir. 1976).....	10
Rizzo v. United States, 516 F.2d 789 (2nd Cir. 1975).....	10,12
Hulsey v. United States, 369 F.2d 284, 287 (5th Cir. 1966).....	10
Irizarry v. United States, 508 F.2d 960, 967 (2nd Cir. 1974).....	12
United States v. Navedo, slip op. 2307, 2312-13 (2nd Cir. March 17, 1975).....	12
United States v. McGee, 355 U.S. 17.....	13
Brady v. United States, 397 U.S. 748, 25 L.Ed. 2d 756.....	13,14
United States v. Antoine, 434 F.2d (2nd Cir. 1970).....	13
United States v. Steele, 413 F.2d 967, 2nd Cir. 1969).....	12

RULES AND AUTHORITIES INVOLVED

TITLE 18, UNITED STATES CODE SECTION 1962: PROHIBITED ACTIVITIES

- (a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, Title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in or the activities of which effect interstate or foreign commerce. A purchase of securities on the open market for purposes of investment and without the intention of controlling or participation in the control of the issuer or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of the immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.
- (b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which effect, interstate or foreign commerce.
- (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which effect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprises' affairs through a pattern of racketeering activity or collection of unlawful debt.
- (d) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section.

TITLE 18, UNITED STATES CODE SECTION 371:

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

TITLE 18, UNITED STATES CODE SECTION 1952:

- (a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to -
- (1) distribute the proceeds of any unlawful activity; or
 - (2) commit any crime of violence to further any unlawful activity; or
 - (3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity,

and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

RULE 11, FEDERAL RULES OF CRIMINAL PROCEDURE

"A defendant may plead not guilty, guilty, or, with the consent of the court, nolo contendere. The court may refuse to accept a plea of guilty, and shall not accept such plea or a plea of nolo contendere without first addressing the defendant personally and determining that the plea is made voluntarily with understanding of the nature of the charge and the consequences of the plea. If a defendant refuses to plead or if a defendant's cooperation fails to appear, the court shall enter a plea of not guilty. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea."

RULE 32(d) FEDERAL RULES OF CRIMINAL PROCEDURE:

"Withdrawal of a plea of not guilty, a motion to withdraw a plea of guilty or nolo contendere may be made only before sentence is imposed or imposition of sentence is suspended; but to correct manifest injustice the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw his plea."

PRELIMINARY STATEMENT

This appeal emanates from the denial of a Motion to Withdraw a Plea of Guilty, pursuant to Rule 32(d) Federal Rules of Criminal Procedure after a hearing before the Honorable Frederick van Pelt Bryan, United States District Judge, held on December 29, 1976, on Indictment 73 Cr. 672, in the United States District Court for the Southern District of New York.

That the Motion was denied by the Honorable Frederick van Pelt Bryan, U.S.D.J. on December 29, 1976, after a hearing on the motion, stating in the record of the hearing on page 34, line 8 thru 13: "The motion to withdraw the guilty plea entered before Judge McMahon in 73 Cr. 672 is in all respects denied. However, the motion to withdraw the plea of guilty entered before me in 72 Cr. 1332 is on a somewhat different posture. The indictment in that case charged a violation of 18 U.S.C. 1952."

The clerk of the court was directed by Judge Bryan to file and enter a notice of appeal on behalf of the appellant on part of the application wherein the court denied his motion to withdraw his plea under Rule 32 (d), Federal Rules of Criminal Procedure, directed at Indictment 73 Cr. 672.

It is from this denial of the motion on December 29, 1976, that this appeal is taken.

STATEMENT OF THE FACTS

The appellant was indicted along with fifteen (15) co-defendants, in Indictment number 73 Cr. 672 from the United States District Court for the Southern District of New York. Count One charging a conspiracy to commit certain offenses against the United States, to wit, to violate Title 18, United States Code, Sections 2384, 1708, 894, 1952 and 1962. The Overt Acts, which consisted of twenty six different acts appeared to be in violation of Title 18, United States Code, Sections 1962 and 371. However, the plea to Count One that appellant submitted was given to cover simply for a violation of Title 18, Section 371, which has a maximum sentence of five years, the general conspiracy count. (See plea minutes before Judge McMahon on October 9, 1973, page 2)

The indictment was given to the appellant in the latter part of September, 1973, who, at that time was not represented by counsel, during the initial proceedings before the Honorable Judge McMahon. However, thereafter, appellant was given Henry Chapman, Esq. to represent him. The appellant conferred with counsel, concerning the case, plus two other cases pending against him, set for trial. Mr. Chapman expressed his feelings that the appellant needed a "wall street lawyer" because of the complex relationship involving, among other things, many hours of research needed for a proper defense. Subsequently, Mr. Chapman was relieved of his obligation as Court-Appointed Counsel for this Indictment, and all other Indictments pending against the appellant.

Mr. Gilbert Epstein, Esq., was then appointed in or about the first week of October, 1973 to represent the appellant on all three (3) pending indictments. Only one conference was had between the appellant and Mr. Epstein pertaining to all three (3) indictments pending. This particular conference lasted approximately one (1) hour. At the conclusion of this particular conference, Mr. Epstein did state to the appellant that he wasn't interested in listening to over 844 days of tape conversation that appellant claimed would prove his innocence in respect to his intent in involvement towards extortion, stocks, bonds, and any other type of activity, except the pursuit of his money. Mr. Epstein, then informed the appellant that it would be the "smart thing" to plead guilty and accordingly, the judge would probably only give a few years concurrent with the time appellant was already serving.

Further, Mr. William I. Aronwald, the Special United States Attorney to this appellant's indictments said that if the appellant was found guilty, he would get another indictment charging the appellant as a "Special Offender" that would then call for a life sentence.

On December 29, 1976, the appellant motioned the court to be allowed to withdraw his plea of guilty, which was accepted by Judge McMahon on case number 73 Cr. 672, on October 9, 1973. This was made possible because of the vacating of appellant's sentence on December 21, 1976. A hearing was held before the Honorable Judge Bryan, on the matter of withdrawing the plea that was accepted by Judge McMahon. Although, appellant did move for this hearing before Judge McMahon, this request was denied by Judge Bryan on December 29, 1976; the day of the hearing. The results of the hearing before Judge Bryan, was the denial of the withdrawal of the plea which was accepted by Judge McMahon, and the expanding of the charge in Count One to include Title 18, U.S.C Sec. 1962. Thus, from a original conviction on Count One for violating Sec. 371, because of the withdrawal, the appellant now stands convicted of Sec. 1962, which was not included in the original plea.

In addition to Count One in which the appellant submitted a guilty plea, he also pled guilty to Count Eight in Indictment 73 Cr. 672. Count Eight that the appellant plead guilty to, stated as follows:

"From on or about June 1, 1971 to the date of filing of this indictment, in the Southern District of New York and elsewhere, WILLIAM BENJAMIN and VINCENT RIZZO, the defendants, unlawfully, wilfully and knowingly did travel and cause travel between the State of New York and Munich Germany, and did use the telephone and the mail in interstate and foreign commerce with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of the unlawful activities, to wit, extortion in violation of Title 18, United States Code, Section 891 ff and of the New York State Penal Law, Section 155.40, and thereafter the said defendants did perform and attempt to perform acts to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of said unlawful activities.

(Title 18, United States Code, Sections 1952 and 2)

Count One did charge:

"From on or about January 1, 1970, up to and including the date of the filing of this indictment, in the Southern District of New York and elsewhere, TOMMASO AMATO, REMEGIO BEGNI, WILLIAM BENJAMIN, MARIO FOLIGNI, LOUIS GITTLEMAN, HYMAN T. GRANT, EVELYN JACOBS, JERRY MARC JACOBS, MANUEL RICHARD JACOBS, LEOPOLD LEDL, DOMINICK MANTELL, PATTY MARINO, MARINA NEUBERT, PETER RAIA, VINCENT RIZZO and ERNEST SHINWELL, the defendants, unlawfully, wilfully and knowingly did combine, conspire, confederate and agree together and with each other and with Maurice Ajzen, Alfred Barg, Winfried Ense, Rudolph Guschall, Paul King and Phillip Wilson, each of whom is named as a co-conspirator herein but not as a defendant, and with other persons whose names are to the Grand Jury known and unknown, to commit certain offenses against the United States, to wit, to violate Title 18, United States Code, Sections 2384, 1708, 894, 1952 and 1962.

ISSUE PRESENTED

DID THE DISTRICT COURT ERR WHEN IT DENIED
APPELLANT'S MOTION TO VACATE SENTENCE
PURSUANT TO RULE 32 (d), FEDERAL RULES
OF CRIMINAL PROCEDURE?

ARGUMENT

The District Court did err when Judge van Pelt Bryan denied the Motion to Withdraw the Guilty Plea, pursuant to Rule 32(d), Federal Rules of Criminal Procedure, in that a reading of both the plea proceeding, before Judge McMahon - on October 9, 1973, and the record of the Hearing which was conducted before Judge Bryan - on December 29, 1976, will disclose that the Court failed to comply with Rule 11, Federal Rules of Criminal Procedure, Title 18.

A close reading of all cases concerning the policy established by the Supreme Court in McCarthy v. United States, (1969), 394 U.S. 459, will disclose the guidelines established by the Court makes it pointedly clear that it is the burden of the court to satisfy itself that the plea "is made voluntarily with understanding of the nature of the charges, and the consequence of the plea... The Court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea."

The record in itself is completely devoid of a determination by the Court - at the time of the entering of a guilty plea and also, at the time of the Hearing that the appellant voluntarily and knowingly made the plea of guilty and neither was it established that there was ever a factual basis for the plea.

The record of the plea, as shown on October 9, 1973, at 4:00 P.M. shows the following:

Page 2, Line 4-8, 19-25, Page 3, 16-18

MR. EPSTEIN: I should indicate, further, that the plea being offered on count 1 is for violation of Title 18 Section 371, which has a maximum sentence of five years, the general conspiracy count.

THE COURT: You know that's what you are charged with. That's what you are charged with. I am not asking you whether you did it. Tell me what you are charged with.

THE DEFENDANT: I am charged with conspiracy, as far as I understand.

THE COURT: Conspiracy to do what?

THE DEFENDANT: Of knowingly knowing about stolen securities.

Page 3: THE COURT: Have you read this indictment against you?

THE DEFENDANT: I read it 20 times. I tried to see where I fit in.

As stated in McCarthy, supra:

"...because a guilty plea is an admission of all of the elements of the formal criminal charges, it cannot be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts."

394 U.S. at 466, 89 S.Ct. at 1171 22 L.Ed at 425

(Emphasis added)

It certainly is not adequate that appellant stated " I am charged with a conspiracy, as far as I understand." However, appellant next response, when further questioned by the Court, stated, "...I tried to see where I fit in." The Court's paraphrasing of the Counts in the indictment, and appellant's knowingly pleading guilty, is not what Rule 11, Federal Rules of Criminal Procedure is all about. For it is not the question as to whether or not the Court understood the charges, but that the appellant understands the law in relation to the facts, as can be decerned by the appellant's reply to the Court; "I have read it 20 times. I tried to see where I fit in."

In McMann v. Richardson, 397 U.S. 759 (1970), The defendant's were denied hearings on their habeas corpus petitions. The fact that their pleas of guilty were entered on the advice of competent counsel superceded the defendant's allegations of improperly procured confessions. However, a plea of guilty differs in purpose and effect from a mere admission or an extra judicial confession; it is in itself a conviction. More is not required. The Court has nothing to do but give judgment and sentence. See Kercheval v. United States, 227 U.S. 220 (1927); Therefore, it becomes a conviction; it's validity must be as firmly grounded as any other type of conviction. In United States v. Bradin, 535 F.2d 1041(8th Cir. 1976), "The portion of Rule 11 here involved namely, that the Court may not enter judgment upon the plea unless it is satisfied there is a factual basis therefore, presupposes a prior, albeit tentative, acceptance of the plea by the Court. It

speaks in terms of judgment. In United States v. Cody, 438 F.2d 287(8th Cir.), What was there held was simply that the mere fact of itself that the indictment was read to the defendant at the time his plea was taken "falls far short of demonstrating any factual basis for the defendant's plea." Citing McCarthy supra, that one method of determining that a factual basis exists for the plea is examining the presentence report. Such reports, of course, are not normally available to the Court prior to acceptance of a plea.

In the instant case, the records and files themselves are deplete of a finding that the plea was made with fully knowledgeable understanding of the nature of the charges.

Appellant respectfully brings to this Court's attention the basis for denying appellant motion, during the hearing before Judge van Pelt Bryan, in which Judge Bryan based part of his denial on Kloner v. United States, 535 F.2d 730, 2nd Cir. 1976, which said; " But here we are not faced with a complex crime such as a conspiracy in which interlocking and subtle elements may be capable of generating confusion, Seiller v. United States, supra, at 6538-39, or with a case involving multiple defendants where guilt of a particular defendant may have been mistakenly inferred from the acts of others, Nor is this an instance where the defendant acknowledged his guilt in an ambiguous fashion, Rizzo v. United States, 516 F.2d 789, 2nd Cir. 1975, or where the defendants' response constituted little more than a "limited or conditioned" admission of guilt, coupled with a "protestation of innocence," Hulsey v. United States, 369 F.2d 284, 287(5th Cir. 1966) , Instead, the indictment specified conduct constituting a relatively simple offense ..." Furthermore, the court in Kloner supra was made aware of the existence of a confession in which he had confirmed in detail his commission of the crime.

The appellant's case involved a twenty page indictment, coupled with fifteen co-defendants, involving a complex conspiracy, therefore, making it in complete opposites to the basis of Judge Bryan's denial.

(In the transcript of the Pleading Minutes of October 9, 1973, begin; Line 12, Page 13)

THE COURT: Did you use the telephone and the mail in interstate and foreign commerce?

THE DEFENDANT: I did.

THE COURT: Did you do that with intention to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of the unlawful activity of extortion?

THE DEFENDANT: I used it to gain my money.

THE COURT: Did you use extortion? Did you threaten anybody with physical violence in the event they did not pay you?

THE DEFENDANT: NO.

THE COURT: You did not?

THE DEFENDANT: NO.

THE COURT: Did you threaten them in any way?

THE DEFENDANT: NO, your Honor

Here the appellant is plainly not pleading guilty to the charges in the Indictment, as described in Count Eight; "...to wit, extortion in violation of Title 18, United States Code, Section 891 ff...Title 18, United States Code, Section 1952 and 2." Pointedly, he is merely stating to the Court that he did not have any intention of using violence, and therefore that certainly is not an admission of his complicity in the unlawfully committed acts as charged in the Indictment.

(In the Transcript of the Hearing on December 29, 1976, begin on Page 20, Line 4.)

MR. LEIGHTON: (the defense counsel) The Court just asked the defendant a blanket question, "Did you use violence or attempt to use violence?" And Mr. Rizzo in his own words answered, "No, I did not intend to use any violence or threats of violence."

I think that in and of itself negates the intent that is needed to make out the crime under Count Eight. And I believe for that very reason, the Court of Appeals in Mr. Rizzo's claim that the plea before Judge Duffy where Mr. Rizzo was claimed to have threatened

Mr. Kalomeris, but in taking the plea, Mr. Rizzo states that he was his dear friend and he would never use any threats of violence towards him.

The record was void of any actual showing that Mr. Rizzo made threats to Mr. Kalomeris or asked others to make threats of violence.

Where the record is void of such evidence, then, of course, the plea has to be vacated because the Court did not develop the necessary facts and have the defendant apply these facts to the law.

As previously quoted from McCarthy, supra:

"Unless the defendant possesses an understanding of the law in relation to the facts..."

As far as the Court being able to interpret this as an understanding of the law in relation to the facts there is no correlation "on the record."

In Rizzo v. United States, 516 F.2d 789, Second Circuit 1975, it said: "While we agree with the government's assertion that the reading of the indictment coupled with the defendant's admission that he committed the acts charged therein may, in some instances, satisfy the factual basis requirement, Irizarry v. United States, supra, at 968, n.9, this is not such a case. Not only did the district court fail to read the indictment, merely paraphrasing it, but Rizzo did not unequivocally admit that he committed the acts charged therein, stating only that "I understand my role in that." In view of Rizzo's immediately subsequent denials of the use of threats of force, this ambiguous statement is insufficient to meet the factual basis standard set forth in United States v. Steele, 413 F.2d 967, 969 (2nd Cir. 1969) and approved in Irizarry, 508 F.2d 968, n.9, which makes it clear that: "particularly where more than one defendant is charged, a sufficient statement of the acts and intent of the particular defendant, what the defendant did and intended, is necessary to an intelligent determination of whether there was a factual basis for the plea." See also McCarthy v. United States, supra at 470; United States v. Navedo, supra. The factual basis requirement is designed to "protect a defendant who is in the position of pleading voluntarily with an understanding of the nature of the charge but without realizing that his conduct does not actually fall within the charge." F.R.Cr.P. 11, Notes of Advisory Committee on Criminal Rules. See also McCarthy v. United States, supra at 467. In this case the conduct which Rizzo admitted was not sufficient to constitute the offense charged in the indictment to which he pleaded guilty; under these circumstances it was the obligation of the district judge to refuse to accept his guilty plea. See United States v. Navedo, supra, at 2313-14.

(In the transcript of the Pleading Minutes of October 9, 1973, begin; Line 14, Page 8.)

THE COURT: Did that have to do in any way to further the scheme in the indictment?

THE DEFENDANT: Yes. That's where I met a Mr. Ense and Mr. Barg. I met the two Germans at the hotel the first time and went up to my room and they discussed treasury bills and counterfeit Coca-

stock, and if I could obtain any treasury bills for them. I told them, If you get me my money I will get you whatever you want, and I would find out for them if this Coca-Cola stock was counterfeit because I didn't know if it was counterfeit or what it was.

They asked me if it was counterfeit or good. There was a discussion about the money and I said, "I realize you don't know me. This is the first time you have ever seen me. The only way we can clear it up is to call up Benjamin in the United States and he will verify that I am the man who you people owe the money to if, in fact, you have my money."

So they said they got the money and that was it.
I said, "I'm the man who the money is owed to."

THE COURT: These treasury bills were stolen treasury bills?

THE DEFENDANT: I was made to believe through a conversation they were talking about stolen treasury bills or bonds.

THE COURT: Not bills and bonds"

THE DEFENDANT: Yes.

THE COURT: You were willing to go along with that deal to get your money back"

THE DEFENDANT: They wanted bills and I told them I would get them any bills they wanted provided they gave me my money first.

As far as the Court being able to interpret this as an understanding of the law in relation to the facts there is no correlation on the record.

In the United States v. Young, 424 F.2d 1276 (the defendant misunderstood the legal requisites necessary to make him liable as a participant in the offense.)

In the case of United States v. McGee, 355 U.S. 17, the Court states that; "The plea may be a voluntary act of a defendant, yet not made with understanding and thus be subject to vacation." See also United States v. Antoine, 434 F.2d 450 (2nd Cir. 1970).

A conviction after a plea of guilty normally rests on the defendant's own admission in open Court that he committed the acts for which he is charged. Brady v. United States, 397 U.S. at 748, 25 L.Ed. 2d at 756; McCarthy v. United States, 394 U.S. 459, 466, 22 L.Ed. 2d 418, 425, 89 S.Ct. 1166 (1969). That admission may not be compelled, and since the plea is also a waiver of trial - and unless the applicable Law otherwise provides, a waiver of the right to

contest the admissibility of any evidence the state might have offered against the defendant - it must be an intelligent act "done with the awareness of the relevant circumstances." Brady v. United States, 397 U.S. at 748, 25 L.Ed. 2d at 756.

CONCLUSION

WHEREFORE, the DISTRICT COURT erred when denying appellant's Motion pursuant to Rule 32(d), Federal Rules of Criminal Procedure, to withdraw his plea of guilty, as the record will conclusively show, both in the record of the plea, and the record of the Hearing. It is respectfully submitted that this case be remanded so that appellant may be given an opportunity to replead.

Respectfully presented,

Vincent J. Rizzo
Vincent Rizzo, Appellant

STATE OF PENNSYLVANIA)
: SS
COUNTY OF)

CERTIFICATE OF SERVICE

I, VINCENT RIZZO, the undersigned certify that I am the appellant in the foregoing Brief of Appellant, and that I have caused to be delivered the Original plus three (3) copies of the Brief, to the Clerk of the Court United States Court of Appeals, for the Second Circuit, New York, New York, and one (1) copy to the United States Attorney for the Southern District of New York, or his duly authorized representative.

SWORN TO AND SUBSCRIBE BEFORE ME
THIS ____ DAY OF _____, 1977



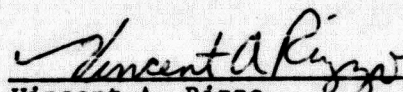
Vincent Rizzo, Appellant.

Notary Public

STATE OF NEW YORK)
: SS

COUNTY OF NEW YORK)

I, VINCENT A. RIZZO, after being duly sworn, deposes and says; that I have delivered by hand, the above Brief of Appellant, to the Clerk of the Court, United States Court of Appeals, Second Circuit, New York, N.Y., and delivered a copy of said Brief to the Office of the United States Attorney for the Southern District of New York, on this 15 day of FEB., 1977.



Vincent A. Rizzo

SWORN TO AND SUBSCRIBE BEFORE ME

ON THIS 15 DAY OF Feb., 1977



Notary Public

FELIX GARCIA
NOTARY PUBLIC, STATE OF NEW YORK
No. 31-1971532
QUALIFIED IN NEW YORK COUNTY
COMMISSION EXPIRES MARCH 30, 1981

United States of America

v.

VINCENT BIZZO

DEC 10 1973

On this 6th day of December, 1973, came the attorney for the government and the defendant appeared in person and by Gilbert Epstein, Esq.

IT IS ADJUDGED that the defendant upon his plea of guilty and the Court being satisfied there is a factual basis for the plea has been convicted of the offense of unlawfully, wilfully and knowingly did travel and cause travel between the State of New York and Munich Germany, and did use the telephone and the mail in interstate and foreign commerce with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of the unlawful activities, to wit, extortion, and a conspiracy so to do. (Title 18, United States Code, Sections 1952 and 2) (Title 18, United States Code, Sections 1962 - 371)

as charged in Counts 1 and 8 and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Five (5) Years on each of Counts 1 and 8 to run concurrently with each other.

Execution of prison sentence is suspended.

Counts 2, 3, 4, 5 & 7 are dismissed on motion of defendant's counsel with consent of the Government.

~~XXXXXXXXXXXXXXXXXXXX~~

It is ordered that the Clerk of Court cause a certified copy of this judgment and commitment to the United States Marshal at the place of confinement of the defendant to be served on the defendant and that the copy serve as the commitment of the defendant.

United States District Judge

XXXXXXXXXXXXXXXXXXXX

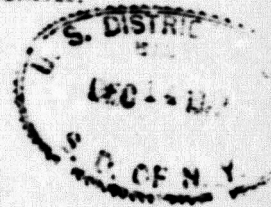
United States District Court
FOR THE
SOUTHERN DISTRICT OF NEW YORK

United States of America

v.

VINCENT RIZZO

No. 73 CR. 672



On this 14th day of December, 1973 ~~concurrently with the~~
~~judgment entered in the case of~~ This court pursuant to rule 36 F.R.C.P.
corrects a clerical error in its judgment dated December 6, 1973 to the extent indicated
below.

IT IS ADJUDGED that the defendant upon his plea of guilty and the court being satisfied
there is a factual basis for the plea,
has been convicted of the offense of unlawfully, wilfully, and knowingly did travel and cause
travel between the State of New York and Munich Germany, and did use the telephone and
the mail in Interstate and foreign commerce with the intent to promote, manage,
establish, carry on and facilitate the promotion, management, establishment and carry-
on of the unlawful activities to wit, extortion and a conspiracy ~~to do~~.
(Title 18, U.S. Code, Sections 1952 and 2)
(Title 18, U.S. Code, Sections 1962 and 371)

as charged in counts 1 and 8
and the court having asked the defendant whether he has anything to say why judgment should not
be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court.

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or
his authorized representative for imprisonment for a period of FIVE (5) YEARS on each of counts
1 and 8 to run concurrently with each other.
Execution of prison sentence is suspended on counts 1 and 8. Defendant is placed on
Probation for a period of ONE (1) YEAR, subject to the standing probation Order of this
court.

IT IS ADJUDGED that

BEST COPY AVAILABLE

SOUTHERN DISTRICT OF NEW YORK

v.
VINCENT RIZZO

No. 73 Cr. 672

On this 8th day of January

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Defendant having been produced in Court on Writ of Habe Corpus Ad Prosequendum. This court pursuant to rule 36 F.R.C.P. corrects a clerical error in its Judgment dated December 6, 1973 to the extent indicated below.

IT IS ADJUDGED that the defendant upon his plea of guilty, and the court being satisfied there is a factual basis for the plea

has been convicted of the offense of unlawfully, wilfully, and knowingly did travel and cause to travel between the State of New York and Munich Germany, and did use the telephone and the mail in interstate and foreign commerce with the intent to promote, manage, establish, carry on and facilitate promotion, management, establishment and carrying on of the unlawful activities to wit, extortion and a conspiracy so to do. (Title 18, U.S. Code, Sections 1952 and 2)
(Title 18, U.S. Code, Sections 1962 and 371)

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

It is ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is sentenced to FIVE (5) YEARS on each of counts 1 and 8 to run concurrently with each other. Execution of prison sentence is suspended on counts 1 and 8. Defendant is placed on Probation for a period of ONE (1) DAY, subject to the standing Probation Order of this Court.

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

United States District Judge,

Thy friend & Brother
Chas. K.

UNITED STATES OF AMERICA

VINCENT RIZZO

No 73 Cr. 672

RECEIVED
FEB 11 1974
FBI
JAN 11 1974

On this 8th day of January, 1974, Defendant having been produced in Court on writ of Habeas Corpus Ad Prosequendum. This court pursuant to Rule 35 B. C.R. corrects a clerical error in its Judgment dated December 6, 1973 to the extent indicated below.

IT IS ADJUDGED that the defendant upon his plea of guilty, and the court being satisfied there is a factual basis for the plea has been convicted of the offense of unlawfully, wilfully, and knowingly did travel and come true between the State of New York and Munich Germany, and did use the telephone and the mail in interstate and foreign commerce with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of the unlawful activities to wit, extortion and a conspiracy so to do. (Title 18, U.S. Code, Sections 1952 and 2) (Title 18, U.S. Code, Sections 1962 and 371) as charged in counts 1 and 2

and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is sentenced to FIVE (5) YEARS on each of counts 1 and 2 to run concurrently with each other. Execution of prison sentence is suspended on counts 1 and 2. Defendant is placed on Probation for a period of ONE (1) DAY, subject to the standing Probation Order of this Court.

IT IS FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

IT IS FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

FREDERICK van Pelt BRYAN

United States District Judge.

RAYMOND P. BURCHARDT

Clerk.

A True Copy Certified this

8th

day of

January, 1974.

Raymond P. Burchardt

Joseph J. ...

CRIMINAL JUSTICE INFORMATION
UNITED STATES DISTRICT COURT

73 CRIM. 670

D. C. Form No. 100 Rev.

TITLE OF CASE

THE UNITED STATES

vs.

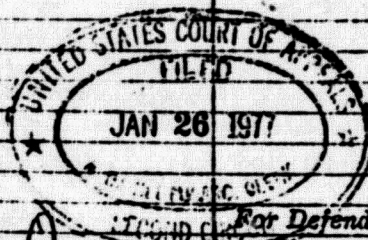
ATTORNEY

For U. S.: 264-2000

Special AUSA William I. Arnold

1) THOMAS AMATO, et al.

for all 16 defendants see page 2



12/30

For Defendant:

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISP.
J.S. 2 mailed	Clerk				
J.S. 3 mailed 5/11-15, 3/12, 6, 7, 10, 12, 13, 14, 15, 16	Marshal				
Violation	Docket fee				
Title					
Sec. see page 2					

DATE

PROCEEDINGS

1-20-73 filed indictment - ordered sealed - b/w ordered as to all depts. -- Stewart, J.
b/w's issued.
7-22-73 Indictment ordered unsealed.

continued on page 2

A

DATE	PROCEEDINGS
TITLE:	UNITED STATES OF AMERICA
	VS.
CLST 1)	TOMMASO AMATO 1
CLST 2)	PENEGIO BECNI 1
✓ 3)	WILLIAM BENJAMIN 1, 2, 3, 4, 7, 8 ✓
CLST 4)	MARIO FOLIGNI 1
✓ 5)	LOUIS GITTLEMAN 1, 2, 3, 4 ✓ Transf
CLST 6)	HYMAN T. GRANT 1
✓ 7)	EVELYN JACOBS 1
✓ 8)	JERRY MARC JACOBS 1 ✓
✓ 9)	MANUEL RICHARD JACOBS 1, 5, 6 ✓
CLST 10)	LEOPOLD LEDL 1
✓ 11)	DOMINICK MANTELL 1 ✓ Trans
CLST 12)	PATTY MARINO 1, 4
CLST 13)	MARINA NEUBERT 1
✓ 14)	PETER RATA 1, 2, 3, 4 ✓
✓ 15)	VINCENT RIZZO 1, 2, 3, 4, 5, 7, 8 ✓
CLST 16)	ERNEST SHINWELL 1

Title and Section: 18:371 conspiracy to engage in racketeering organization and to use foreign and I.C. for transport of stolen securities(1)
 18:2314 & 2 transport in foreign and I.C. stolen securities, money, etc. (2,3,4,5,6)
 18:894,891(7) & 2 extortion in attempt to collect extension of credit (7)
 18:1952 travel in foreign and I.C. to promote unlawful activities to wit bribery (8) extortion
 total counts: EIGHT.

7-11-73 PETER RATA- Deft. and Atty. present. Bail fixed in the sum of \$50,000. secured by \$7,500. cash or surety. Bail to be posted by 4 P.M. today. Deft. ordered photographed and fingerprinted. --- Stewart, J.

7-18-73 M.R. Jacobs-Filed affidavit for writ H/C ad Pros. Writ iss. & ret. 7/23/73

7-18-73 W. Benjamin-Filed affidavit for writ H/C ad Pros. Writ iss. & ret. 7/23/73

DATE

PROCEEDINGS

7-23-73 Gittleman-Court enters plea of not guilty.
I.M. Jacobs- present and enters plea of not guilty. Bail cont'd. fixed at \$25,000. surety bond in Calif.) Deft. ordered photographed and fingerprinted.
Mantelli-Court enters plea of not guilty.
Raia-(atty. present) Pleads not guilty. Bail continued(\$50,000. P.R.B. and \$7,500. surety bond. All defts. 10 days for motions. CASE ASSIGNED TO JUDGE MACMAHON FOR ALL PURPOSES.
Ward, J.

7-24-73 VINCENT RIZZO - Filed Affdvt. for W/H/C Ad Pros. Writ issued Ret. 7-31-73.

7-30-73 EVELYN JACOBS- (No Atty. Present) Court directs entry of Plea of Not Guilty. Deft. R.O.R. Bail limits cont'l. U.S. To be fingerprinted and photographed. Motions 10 days after return of MacMAHON, J. WARD, J.

8-7-73 Filed the following received from U.S. Magistrate: docket # 73-995.
Docket Entry Sheet
Notice of Appearance by Peter Griffin, 161 William St. N.Y.C. 962-5442 for deft. PETER RAIA.
Appearance bond.

8-10-73 PETER RAIA - Filed notice of notice to amend temporarily the bail limits.

8-14-73 JERRY M. JACOBS- Filed Appearance Bond from Central Dist of Calif. in the amt. of \$25,000.

8-13-73* VINCENT RIZZO - Produced on writ. Court enters PLEA OF NOT GUILTY. Remanded. Writ adj'd. until 8-14-73.
WILLIAM BENJAMIN - Theodore Kräiger assigned. Deft PLEADS NOT GUILTY. Remanded. Writ satisfied.
MANUEL R. JACOBS- Court enters PLEA of NOT GUILTY. Deft. Remanded. Writ adj'd. until 8-14-73. All Defts. ordered photographed and fingerprinted. WYATT, J.

8-14-73 LOUIS GITTLEMAN - (atty present) Pleads NOT GUILTY. Bail cont'd. deft to be fingerprinted and photographed.
DOMINICK MANTELL - (Atty. Present) Pleads NOT GUILTY. Bail cont'd. Deft. to be fingerprinted and photographed. Trial set for 11-5-73. MacMAHON, J.

8-14-73 EVELYN JACOBS- MANUEL R. JACOBS- Court appoints Joseph J. Zedusser, Legal Aid. MacMAHON, J.

8-15-73 DOMINICK MANTELL - Received the following from Sou. Dist. of Fla. Magistrate's Proceedings and Appearance bond.

8-2-73* PETER RAIA- Filed notice of appearance by Peter Griffin, 161 William St., NYC. 962-5442.

8-20-73 JERRY MARC JACOBS - Filed notice of appearance by Stuart Edward Lavisson, 860 Grand Concourse, Bronx, N.Y. N.Y. 10451 585-6900.

Cont'd. on page 4

C

DATE	PROCEEDINGS
8-17-73	EVELYN JACOBS- Filed Warrant for arrest, Warrant executed by F.B.I. 7-11-73.
8-17-73	JERRY MARC JACOBS- Filed Warrant for arrest, Warrant executed by F.B.I. 7-11-73.
8-23-73	DOMINICK MANTELL- Filed Notice of appearance by William P. Cagney, III-200 S.E. First St., Suite 800, Miami, Florida 33131 (305) 371-0638.
8-23-73	DOMINICK MANTELL- Filed statement of conference between prosecution and deft.
"	" Filed adoption of co-defts. motion.
"	" Filed Motion of deft. to interview Govt. Witnesses.
"	" Filed motion for psychiatric examination of Govt. witness.
"	" Filed Motion for production and inspection of Grand Jury minutes.
"	" Filed Motion for B/P.
"	" Filed Motion for Discovery and Inspection.
"	" Filed Motion to Disclosed the Existence of Electronic Surveillance.
"	" Filed Motion to disclose substance of promises of immunity, etc.
"	" Filed Motion for Severance and supporting memo.
"	" Filed Motion for Change of Venue.
"	" Filed Motion to dismiss.
"	" Filed motion to file additional motions
"	" Filed Motion to disclose Grand Jury Procedures.
8-17-73	PETER PAJA Filed MEMO END on motion to amend bail limits. Motion following argument. So Ordered. MacMAHON, J.
8-23-73	DOMINICK MANTELL - Filed affdvt in support of motion for severance.
8-17-73	LOUIS GITTLEMAN- Filed W/A, executed 7-11-73.
8-22-73	Filed B/P and Discovery and Inspection.
8-28-73	VINCENT RIZZO- Filed financial affdvt.
8-29-73	WILLIAM BENJAMIN - Filed affdvt for W/H/C/Ad Pros. Writ issued.
9-6-73	VINCENT RIZZO - Filed memo end on letter dated, Sep. 3-73. Contents Noted. MacMAHON, J.
9-7-73	DOMINICK MANTELL- Filed motion for the admission of an atty. Pro Haec Vice.
9-13-73	DOMINICK MANTELL- Filed MEMO END on motion for admission Pro Haec Vice. Motion Granted. So Ordered. MacMAHON, J.
9-19-73	HYMAN T. GRANT- (Atty. Present) Defr. PLEADS GUILTY to ct. 1 only. No Sentence date. MacMAHON, J.
10-2-73	LOUIS GITTLEMAN - Filed adoption of co-deft. motions.
9-28-73 *	Filed transcript of record of proceedings dated, Aug. 21-73.
10-2-73	Filed MEMO END on deft. LOUIS GITTLEMAN motion for severance and transfer. The within motion for severance and transfer of this action to the Central District of Calif. is denied in all respects. See memo end. on similar motions by co-deft. Mantell. So Ordered. MacMAHON, J.

Cont'd. on page 5

DATE	PROCEEDINGS
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion to compel disclosure: Motion granted on consent. Information to be provided by Oct. 25, 73. So Ordered. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END on motion to disclose. Motion granted on consent. So Ordered. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion for inspection. The within motion is denied. *** So Ordered. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion for transcription of minutes. *** Motion denied. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion to interview Govt. Witnesses. Motion by deft. Mantell to interview witnesses Crackmore and Wilson is granted to the extent that the Govt. is directed to produce said witnesses before the court, at a mutually convenient time within ten (10) days, for an in camera examination by the court to determine whether they are willing to submit to the interviews sought. Motion in all other respects are denied. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion for psychiatric examination of Govt. witness. The within motion for psychiatric examination of the witness Crackmore and a hearing thereon is denied in all respects. *** MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion for disclosure of Grand Jury procedures. The within motion borders on the frivolous and is denied in all respects. So Ordered. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion to file additional motion. Motion granted to the extent that the deft. Mantell may make additional motions out of time by oral application to the court, as directed at the pretrial conference held on Aug. 14-73. *** So Ordered. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END on motion adopting co-deft. motions. The within motion was granted at the pretrial conference of Aug. 14-73 and is therefore repetitious and unnecessary. The court adheres to its rulings at the pretrial conference. So Ordered. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion for R/P. The within motion is denied as repetitious. *** So Ordered. MacMAHON, J. (n/a on 11 MEMO End)
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion for change of venue. *** On balance of all the relevant factors, we hold that a transfer would not be in the interest of justice nor would it serve the convenience of the parties and witnesses. Accordingly, the within motion is denied. So Ordered. MacMAHON, J.
10-2-73	DOMINICK MANTELL - Filed MEMO END, on motion for severance. The within motion is denied. *** MacMAHON, J.
10-3-73	PETER BAIA - Filed adoption of co-deft. motion.
10-10-73	VINCENT RIZZO - Filed deft. acknowledgement of constitutional rights.

Cont'd on page 6

DATE	PROCEEDINGS
10-9-73	VINCENT RIZZO - (Atty. present) writ. withdraws plea of not guilty and PLEADS GUILTY to Cts. 1 & 8 only. Sentence referred to Judge BRIANT, on 11-20-73, MacMAHON, J.
10-11-73	ARNOLD R. JACOBS - Filed affdvt. for W/H/C Ad Pros. Ref. 10-17-73.
10-12-73	Filed Govt. memo of law.
10-12-73	PETER RAIA - Filed MEMO END on motion for adoption. Motion disposed of in accordance with memo decision of this date. MacMAHON, J.
10-12-73	LOUIS GITTLEMAN - Filed Memo End. on motion for adoption. Motion disposed of in accordance with memo decision of this date. MacMAHON, J.
10-12-73	LOUIS GITTLEMAN - Filed Memo End. on motion to dismiss indictment. Motion disposed of in accordance with memo decision of this date. MacMAHON, J.
10-12-73	LOUIS GITTLEMAN - Filed notice of appearance by Stephen D. Miller, 360 N. Bedford Dr. Suite 204, Beverly Hills, Calif. 90210. (213)278-5100.
10-12-73	Filed MEMO: De Cs. MANTELL AND GITTLEMAN move to dismiss the indictment on various grounds. Gittleman adopts all motions asserted by Mantell in addition to his own motions. Deft. RAIA also adopts all motions made by Gittleman. The first of the four grounds asserted by Mantell and adopted by Gittleman and Raia is that 18 U.S.C. Sect. 1962, a statute they are charged with violating, is unconstitutional. They claim that it is ambiguous and that it violates their right to due process by denying them a fair trial. We disagree. *** Motion to dismiss count one on the ground that it is duplicative is denied. *** Mantell, Gittleman and Raia also move to dismiss on the ground that the indictment is unconstitutionally vague and ambiguous. We cannot agree with this contention. *** Accordingly, all of the motions of Mantell, Gittleman and Raia to dismiss the indictment are denied. So Ordered. MacMAHON, J. (See memo in file) (n/w to three defts.)
10-17-73	Filed transcript of record of proceedings dated Aug. 13-73.
10-17-73	Filed Govt. memo of law.
10-17-73	HAROLD RICHARD JACOBS - Filed W/H/C Ad Pros- writ satisfied 8-21-73. MacMAHON, J.
10-18-73	Filed affdvt. of William I. Aronwald, Special Att'y, U.S. Dept. of Justice.
10-18-73	Filed Govt's. memo of law.
10-18-73	Filed MEMO END: on affdvt. of William Aronwald. Not considered on question of disqualification. Ruling made solely on bases of facts stated in letter of Atty. Tefford and Cagney. Stg Transcript of hearing of 10-16-73. MacMAHON, J.

Cont'd on page 7

DATE *

PROCEEDINGS

- 11-2-73 VINCENT RIZZO - Filed CIA Form 7-20, Appointment and Voucher of Henry K. Chinn
335 B'Way., NYC. 10013. MacMAHON, J.
- 11-5-73 Filed one sealed envelope and placed in vault Room 502. So Ordered. MacMAHON, J.
- 11-1-73 WILLIAM BENJAMIN (atty present) Deft. withdraws plea of not guilty and PLEADS
GUILTY to ct. 1 only, produced on writ adj'd. sene die, sentence adj'd
sene die.
MANUEL R. JACOBS (Atty. Present) Deft. withdraws plea of not guilty and PLEADS
GUILTY to ct. 1 only.. Produced on writ and adj'd. sene die, sentence adj'd.
sene die..
JERRY M. JACOBS (Atty present) Deft. withdraws plea of not guilty and PLEADS
GUILTY to ct. one (1) only, Sentence adj'd. sene die. P.S.I. Ordered. Deft.
R.O.R.
Trial adj'd. to Dec. 3-73. MacMAHON, J.
- 11-2-73 PETER RAIA - Filed Supplemental B/P.
- 11-2-73 TOMMASO AMATO - Filed supplemental B/P.
- 10-30-73* PETER RAIA - Filed motion for disclosure.
- 11-13-73 PETER RAIA - Filed MEMO END on motion filed 10-30-73 for disclosure.
The enumerated requests in the attached motion are decided as follows: 1)
Granted to the extent that when a witness testifies the government must furnish
the deft. with the witness's conviction record only; 2) Granted on consent;
3) (a) Denied; 3) (b) Denied; 4) Denied; 5) Granted to the extent that the
requested information must be made available when the witness testifies.
The motion is denied in all other respects. So Ordered. MacMAHON, J.
- 11-28-73 PETER RAIA (Deft. (Atty. Present) withdraws plea of not guilty and PLEADS GUILTY
to ct. 1 only. P.S.I. Ordered. Deft. cont'd. on present bail of \$5,000.
ALL DEFTS. to be sentenced 1-31-74 at 10 a.m. MacMAHON, J.
- 12-5-73 Filed transcript of record of proceedings dated 10-9-73.
- 12-6-73 VINCENT RIZZO - Filed Judgment & Commitment (atty present) - Deft. is committed to the
custody of the Atty Gen'l for imprisonment for a period of FIVE (5) YEARS on each
of Counts 1 & 8 to run concurrently with each other. Execution of prison sentence
is suspended. Counts 2, 3, 4, 5, 7 are dismissed on motion of deft's counsel with
consent of the Government. --- Bryan, J.
Issued Commitment.
- 12-5-73 Filed transcript of record of proceedings dated Sept. 13-73.
- 12-14-73 VINCENT RIZZO - Deft. (Atty Present) Filed Judgment and commitment.
It is Adjudged that the deft. is hereby committed to the custody of the
Atty. Gen. or his authorized representative for imprisonment for a period
of FIVE (5) YEARS on each of cts. 1 & 8 to run concurrently with each
other.
Execution of prison sentence is suspended on cts. 1 & 8. Deft. is placed
on Probation for a period of ONE (1) DAY, subject to the standing probation
Order of this court. ERYAN, J. (copies issued)

Cont'd. on page 8

DATE	PROCEEDINGS
12-28-73	DOMINICK MANTELL - Filed consent to transfer for plea and sentence Under Rule 20, Fed. Sup. Dist. of Fla. Miami, Fla.
12-28-73	LOUIS GITTLEMAN - Filed consent to transfer for plea and sentence under Rule 20 to the Dist. of Calif. Central Dist. Los Angeles.
12-28-73	Mailed the two above copies to the Dist. as indicated.
1-8-74	VINCENT RIZZO - Filed 2nd Corrected Judgment, and issued copies) It Is Adjudged that the deft. is sentenced to FIVE (5) YEARS on each of cts. 1 & 8 to run concurrently with each other. Execution of prison sentence is suspended on cts. 1 & 8. Deft. is placed on probation for a period of ONE (1) DAY, subject to the standing probation order of this Court. BRYAN, J.
1-14-74	DOMINICK MANTELL - Filed receipt of record by Sou. Dist. of Fla.
1-14-74	LOUIS GITTLEMAN - Filed receipt of record by Central Dist. of Calif.
1-13-74	VINCENT RIZZO - Filed copy of J & C. Deft. delivered to Fed. Detention Hdqrs. Dec. 6-73.
12-31-73	VINCENT RIZZO - Filed true copy of W/H/C. writ satisfied 12-6-73. BRYAN, J.
2-6-74	EVELYN JACOBS - Entered and filed nolle prosequi. MacMAHON, J. # 74,171
1-30-74	MANUEL RICHARD JACOBS - Deft. (Atty. Present) Filed Judgment and issued copies. It Is Adjudged that the deft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprisonment for a period of TWO (2) YEARS AND FINED \$10,000. on count 1. Deft. is to stand committed until the fine is paid or he is otherwise discharged according to law. The prison sentence is to run CONSECUTIVELY to the sentences imposed on deft., by the U.S.D.C. for the Central Dist. of Calif. at Los Angeles on 12-22-67 and 8-7-69. Cts. 5 & 6 are dismissed on motion of deft's counsel with the consent of the Govt. MacMAHON, J.
1-30-74	PETER RAIA - Deft. (Atty. present) Filed Judgment # 74,172 & issued copies. It Is Adjudged that the deft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprisonment for a period of FOUR (4) YEARS and FINED \$10,000. on ct. 1. Deft. is to stand committed until the fine is paid or he is otherwise discharged according to law. Cts. 2, 3, & 4 are dismissed on motion of deft's counsel with the consent of the Govt. MacMAHON, J.
1-30-74	JERRY MARC JACOBS - Deft. (Atty. Present) Filed judgment and issued copies. It Is Adjudged that the deft. is sentenced to TWO (2) YEARS, on ct. 1. Execution of the prison sentence is suspended. Deft. is placed on probation for a period of TWO (2) YEARS, subject to the standing probation order of this Court. MacMAHON, J.
1-30-74	HYMAN T. GRANT - Deft. fails to appear for sentencing. B/W Ordered. Bail revoked. MacMAHON, J.
1-30-74	WILLIAM BENJAMIN - Sentence adid. to March 5-74 at 10 a.m. MacMAHON, J.
1-31-74	Filed transcript of record of proceedings dated 1-28-73

Cont'd on page 9

DATE	PROCEEDINGS
12-3-74	Filed transcript of record of proceedings, dated 12-3-74
12-27-74	PETER RATA= Filed MEMO ENDORSEMENT on Deft's letter dated 12-5-74, in reference to Deft's motion to examine pre-sentence report. THE MOTION in all respects DENIED. MACMAHON, J. (Pro-Se to m/n) -12-30-74.
3-10-75	WILLIAM BENJAMIN= Filed MEMO ENDORSEMENT on Deft's letter dated 3-3-75 requesting a reduction of his sentence. The Motion is in all respects denied. MACMAHON, J. (Pro-Se to m/n).
3-20-75	JERRY MARC JACOBS= Filed Probation Form #35 - It is ordered that the Deft be discharged from Probation and that the proceedings in the case be terminated. MACMAHON, J.
4-20-76	Filed transcript of record of proceedings, dated 7-23-75
7-30-76	<div> <div> DOMASO AMATO RMEGIO RYNN MARIO FOLEGENT LEOPOLD LEDL MARINA NEUBERT ERNEST SHANWELL </div> <div> Duplicate Bench Warrant's issued. </div> </div>
12-21-74	Filed Notice of Motion to withdraw his plea of guilty. (Rizzo)
12-16-75	Rizzo- Hearing held adj'd to 12-21-75 - Bryan, J.
12-21-75	Rizzo- Motion to vacate sentence granted- motion to withdraw guilty plea adj'd to 12-23-75 Bryan, J.
12-23-75	Rizzo- Hearing held adj'd to 12-29-75, Bryan, J. Corrected
12-29-75	RIZZO- FILED/JUDGMENT AND PROBATION/ COMMITMENT ORDER, - the deft is hereby committed to the custody of the Atty Gen. for impr. for a period of FIVE (5) YEARS on each of counts one and eight to run concurrently with each other. Execution of prison sentence is suspended on counts one and eight. Deft is placed on probation for a period of one (1) day on count one, and one (1) day on count eight, subject to the standing probation order of this court. Counts two through seven of the indictment have been dismissed on deft's motion with the consent of the Govt. Motion to withdraw guilty pleas pursuant to Fed. R. Crim. P. 32(d) in all respects denied.SO ORDERED FREDERICK VAN PELT BRYAN. all copies issued.
12-30-75	RIZZO - Filed NOTICE OF APPEAL to the USCA from the Judgment entered in this action 12-29-75, m/n
1-4-77	RIZZO- FILED NOTICE OF APPEAL TO USCA FROM JUDGE BRYAN'S DENIAL OF Motion To Withdraw Guilty Plea

A TRUE COPY

RAYMOND E. BURCHAMPT, Clerk

Deputy Clerk

DATE	PROCEEDINGS
2-22-74	Filed W/H/C/ ad Pros. Writ satisfied 1-30-74. MacMAHON, J.
3-4-74	RAIA - Filed copy of J & U, deft. delivered to Federal Detention Hqtrs, 1-30-74.
3-5-74	WILLIAM BENJAMIN - Deft. (Atty Present) Filed Judgment/and Issued copies. It Is Adjudged that the deft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprisonment for a period of TWO (2) YEARS and FINED \$10,000. on ct. 1. Deft. is to stand committed until fine is paid or he is otherwise discharged according to law. The prison sentence is to run concurrently with the sentence imposed by this Court, Judge Lee Gagliardi on June 4, 1973, Case # 73 Cr. 195. Cts. 2,3,4,7 & 8 are dismissed on motion by deft's. counsel with the consent of the Govt, MacMAHON, J.
4-10-74	BENJAMIN - Filed CJA Form # 20, Appointment and voucher for counsel. MacMAHON, J.
4-19-74	Closed statistically because (x) defendant is () co-defendant a () witness fugitive. In all other respects this case is still pending.
5-1-74	BENJAMIN - Filed W/H/C Ad Pros. Writ satisfied 8-13-73. WYATT, J.
5-1-74	RIZZO - Filed copy of Judgment with marshals return, copy delivered to F.D.H.
5-1-74	BENJAMIN - Filed copy of J/C with marshals return, deft. delivered to Somerset Co. Jail, Somerville, N.J. 3-5-74.
5-8-74	BENJAMIN - Filed copy of J/C with marshals return, deft. delivered to Somerset Co. Jail, Somerville, N.J. 3-5-74.
5-23-74	MANUEL JACOBS - Filed notice of motion for reduction of sentence.
5-29-74	MANUEL JACOBS - Filed MEMO END on motion for reduction. Application denied. So Ordered. MacMAHON, J. (n/m)
7-10-74	Filed transcript of record of proceedings, dated January 30, 1974
5-24-74	CRANT, Hyman Closed statistically because (x) defendant is () co-defendant a () witness fugitive. In all other respects this case is still pending.
7-26-74	Filed transcript of record of proceedings, dated JAN 30, 1974
5-16-74	MANUEL RICHARD JACOBS - Filed commitment & return, Deft delivered to F.D. Detention Hqtrs, NY, NY 1-30-74